

House Bill 719 (AS PASSED HOUSE AND SENATE)

By: Representatives Jenkins of the 93rd, Benfield of the 56th, Post 1, Porter of the 119th, Teper of the 42nd, Post 1, Hanner of the 133rd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to
2 regulation of maintenance and use of public roads generally, so as to provide for the
3 administrative determination of overweight assessments; to provide for penalties for
4 violations; to provide for the perfection of liens upon vehicles subject to unpaid overweight
5 assessments; to provide for the suspension of the registration of vehicles subject to unpaid
6 overweight assessments; to amend Chapter 9 of Title 32 of the Official Code of Georgia
7 Annotated, relating to mass transportation, so as to provide for the authorization of hybrid
8 vehicles to use designated travel lanes; to amend Title 40 of the Official Code of Georgia
9 Annotated, relating to motor vehicles and traffic, so as to add hybrid vehicles to the
10 definition of alternative fueled vehicles; so as to provide for circumstances under which a
11 person may be cited for exceeding the speed limit in a highway work zone; to change the
12 requirements for the size of required warning signs; to provide that the 30 day limitation
13 regarding notice of reduction of the speed limit shall not apply to work zone speeding
14 violations; to provide for related matters; to repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 style="text-align:center">**SECTION 1.**

17 Code Section 32-6-27 of the Official Code of Georgia Annotated, relating to enforcement of
18 load limitations, is amended by striking said Code section in its entirety and inserting in lieu
19 thereof the following:

20 "32-6-27.

21 (a) Any person who violates the load limitation provisions of Code Section 32-6-26 shall
22 be conclusively presumed to have damaged the public roads, including bridges, of this state
23 by reason of such overloading and shall recompense the state for such damage in
24 accordance with the following schedule:

25 (1) For the first 1,000 pounds of excess weight, 0.8¢ per pound; plus 1.5¢ per pound for
26 the next 2,000 pounds of excess weight; plus 3¢ per pound for the next 2,000 pounds of

1 excess weight; plus 4¢ per pound for the next 3,000 pounds of excess weight; plus 5¢ per
2 pound for all excess weight over 8,000 pounds;

3 (2) Where a vehicle is authorized to exceed the weight limitations of Code Section
4 32-6-26 by a permit issued pursuant to Code Section 32-6-28, the term 'excess weight'
5 means that weight which exceeds the weight allowed by such permit. For such vehicles,
6 damages for excess weight shall be assessed according to the following schedule: 125
7 percent times, in each category of excess weights, the rate imposed on offending vehicles
8 operating without a permit.

9 (a.1)(1)(A) The Department of Motor Vehicle Safety is authorized to issue a citation
10 to the owner or operator of any vehicle in violation of a maximum weight limit on a
11 county road which is a designated local truck route under subsection (f) of Code
12 Section 32-6-26 and for which signs have been placed and maintained as required under
13 paragraph (2) of subsection (c) of Code Section 32-6-50.

14 (B) The Department of Motor Vehicle Safety is authorized to issue a warning to the
15 owner or operator of any vehicle in violation of a maximum weight limit on a county
16 road which is a designated local truck route under subsection (f) of Code Section
17 32-6-26 but for which signs have not been placed or maintained as required under
18 paragraph (2) of subsection (c) of Code Section 32-6-50 upon the first such violation
19 and to issue a citation to such owner or operator for a subsequent such violation.

20 (2)(A) The Department of Motor Vehicle Safety is authorized to issue a citation to the
21 owner or operator of any vehicle in violation of a maximum weight limit on a bridge
22 for which signs have been placed and maintained as required under paragraph (3) of
23 Code Section 32-4-41 or subsection (a.1) of Code Section 32-4-91.

24 (B) The Department of Motor Vehicle Safety is authorized to issue a warning to the
25 owner or operator of any vehicle in violation of a maximum weight limit on a bridge
26 but for which signs have not been placed or maintained as required under paragraph (3)
27 of Code Section 32-4-41 or subsection (a.1) of Code Section 32-4-91 upon the first such
28 violation and to issue a citation to such owner or operator for a subsequent such
29 violation.

30 (b) The schedules listed in paragraphs (1) and (2) of subsection (a) of this Code section
31 shall apply separately to (1) the excess weight of the gross load and (2) the sum of the
32 excess weight or weights of any axle or axles, provided that where both gross load and axle
33 weight limits are exceeded, the owner or operator shall be required to recompense the state
34 only for the largest of the money damages imposed under items (1) and (2) of this
35 subsection.

36 (c)(1) Within ~~15~~ 30 days after the issuance of the citation, the owner or operator of any
37 offending vehicle shall pay the amount of the assessment to the Department of Motor

1 Vehicle Safety or request an administrative determination of the amount and validity of
2 the assessment.

3 (2) The right to an administrative determination of the amount and validity of the
4 assessment shall be granted only to the owner or operator of an offending vehicle.

5 (3) The party requesting an administrative determination of the amount and validity of
6 the assessment shall deposit the amount of the assessment with the Department of Motor
7 Vehicle Safety, within the time permitted to request such determination, before the
8 determination will be granted. In the event the assessment is determined to be erroneous,
9 the Department of Motor Vehicle Safety shall make prompt refund of any overpayment
10 after receipt of a final decision making such determination.

11 (4) If an administrative hearing is requested, it shall be held in accordance with Chapter
12 13 of Title 50, the 'Georgia Administrative Procedure Act,' and the rules and regulations
13 of the Department of Motor Vehicle Safety. The scope of any such hearing shall be
14 limited to a determination of:

15 (A) The weight of the offending vehicle;

16 (B) The maximum weight allowed by law on the roadway upon which the offending
17 vehicle was operated; and

18 (C) Whether the operator had in his or her actual possession a valid oversize or
19 overweight permit issued by the Department of Transportation allowing the vehicle to
20 operate in excess of the maximum weight otherwise allowed by law on the roadway
21 upon which the offending vehicle was operated.

22 (5) Any person who has exhausted all administrative remedies available within the
23 Department of Motor Vehicle Safety and who is aggrieved by a final order of the
24 Department of Motor Vehicle Safety is entitled to judicial review in accordance with
25 Chapter 13 of Title 50.

26 (6) If a party requests an administrative determination of the amount and validity of the
27 assessment and fails to appear without first obtaining permission from the administrative
28 law judge or does not withdraw the request in writing no less than five days in advance
29 of a scheduled hearing, the party shall be deemed in default and the citation shall be
30 affirmed by operation of law. The party shall be deemed to owe the sum of \$75.00 in
31 addition to the amount due on the citation, which sum shall represent hearing costs.

32 (d) All moneys collected in accordance with this Code section shall be transmitted to the
33 Department of Motor Vehicle Safety, thereafter to be disposed of as follows:

34 (1) All moneys collected for violations of the weight limitations imposed by this article
35 shall be remitted to the general fund of the state treasury; and

36 (2) All moneys collected for violations of the height, width, or length limitations
37 imposed by this article, after the appropriate statutory deductions, shall be retained by the

1 governing authority of the county wherein the violation occurred for deposit in the
2 general treasury of said county;

3 (3) Hearing costs imposed pursuant to paragraph (6) of subsection (c) of this Code
4 section shall be retained by the Department of Motor Vehicle Safety;

5 (4) Reissuance fees imposed pursuant to paragraph (4) of subsection (g) of this Code
6 section shall be retained by the Department of Motor Vehicle Safety; and

7 (5) Restoration fees imposed pursuant to paragraph (1) of subsection (i) of this Code
8 section shall be retained by the Department of Motor Vehicle Safety.

9 (e) Any owner or operator of a vehicle which is operated on the public roads of this state
10 in violation of the weight limitations provided in this article shall be required, in addition
11 to paying the moneys provided in subsection (a) of this Code section, to unload all gross
12 weight in excess of 6,000 pounds over the legal weight limit before being allowed to move
13 the vehicle.

14 (f) Any person authorized by law to enforce this article may seize the offending vehicle
15 of an owner who fails or whose operator ~~has failed~~ fails to pay the moneys prescribed in
16 subsection (a) of this Code section and hold such vehicle until the prescribed moneys are
17 paid. If the offending vehicle is not registered in this state, any person authorized by law
18 to enforce this article may seize any vehicle owned or operated by an owner who fails or
19 whose operator fails to pay the moneys prescribed in subsection (a) of this Code section
20 and hold such vehicle until the prescribed moneys are paid. Any person seizing ~~such a~~
21 vehicle under this subsection or subsection (e) of this Code section may, when necessary,
22 store the vehicle; and the owner thereof shall be responsible for all reasonable storage
23 charges thereon. When any vehicle is seized, held, unloaded, or partially unloaded under
24 these subsections, the load or any part thereof shall be removed or cared for by the owner
25 or operator of the vehicle without any liability on the part of the authorized person or of the
26 state or any political subdivision because of damage to or loss of such load or any part
27 thereof.

28 (g)(1) Whenever any person, firm, or corporation violates this article and becomes
29 indebted to the Department of Motor Vehicle Safety because of such violations and fails
30 within ~~15~~ 30 days of the date of issuance of the overweight assessment citation either to
31 pay the assessment or appeal to the Department of Motor Vehicle Safety for
32 administrative review, as provided for in subsection (c) of this Code section, such
33 assessment shall become a lien upon the overweight motor vehicle so found to be in
34 violation, which lien shall be superior to all liens except liens for taxes or perfected
35 security interests established before the debt to the Department of Motor Vehicle Safety
36 was created.

1 (2) Whenever any person, firm, or corporation requests an administrative review, it shall
2 be held in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure
3 Act.' In the event that the administrative law judge finds in favor of the Department of
4 Motor Vehicle Safety, the person, firm, or corporation shall pay the assessment within
5 30 days after ~~the issuance of a final decision by the administrative law judge~~ that decision
6 becomes final or, if judicial review is had in accordance with Chapter 13 of Title 50, then
7 within 30 days after final judicial review is terminated. If the person, firm, or corporation
8 fails to pay the assessment within 30 days, such assessment shall become a lien as
9 provided for under paragraph (1) of this subsection.

10 (3) The Department of Motor Vehicle Safety shall perfect the lien created under this
11 subsection ~~in the same manner as is provided for in subsection (b) of Code Section~~
12 ~~40-3-50 and Code Section 40-3-53~~ by sending notice thereof on a notice designated by
13 the commissioner of motor vehicle safety, by first-class mail or by statutory overnight
14 delivery, to the owner and all holders of liens and security interests shown on the records
15 of the Department of Motor Vehicle Safety maintained pursuant to Chapter 3 of Title 40.
16 Upon receipt of notice from the Department of Motor Vehicle Safety, the holder of the
17 certificate of title shall surrender same to the commissioner of motor vehicle safety for
18 issuance of a replacement certificate of title bearing the lien of the department unless the
19 assessment is paid within 30 days of the receipt of notice. The Department of Motor
20 Vehicle Safety may append its lien to its records, notwithstanding the failure of the holder
21 of the certificate of title to surrender said certificate as required by this paragraph.

22 (4) Upon issuance of a title bearing the lien of the Department of Motor Vehicle Safety,
23 or the appending of the lien to the records of the Department of Motor Vehicle Safety,
24 the owner of the vehicle or the holder of any security interest or lien shown in the records
25 of the department may satisfy such lien by payment of the amount of the assessment,
26 including hearing costs, if any, and payment of a reissuance fee of \$100.00. Upon receipt
27 of such amount, the Department of Motor Vehicle Safety shall release its lien.

28 (h)(1) The Department of Motor Vehicle Safety, in seeking to foreclose its lien on the
29 motor vehicle arising out of an overweight motor vehicle citation assessed under this
30 article, may seek an immediate writ of possession from the court before whom the
31 petition is filed, if the petition contains a statement of facts, under oath, by the
32 Department of Motor Vehicle Safety, its agents, its officers, or attorney setting forth the
33 basis of the petitioner's claim and sufficient grounds for issuance of an immediate writ
34 of possession.

35 (2) The Department of Motor Vehicle Safety shall allege under oath specific facts
36 sufficient to show that it is within the power of the defendant to conceal, encumber,

1 convert, convey, or remove from the jurisdiction of the court the property which is the
2 subject matter of the petition.

3 (3) The court before whom the petition is pending shall issue a writ for immediate
4 possession, upon finding that the petitioner has complied with paragraphs (1) and (2) of
5 this subsection. If the petitioner is found not to have made sufficient showing to obtain
6 an immediate writ of possession, the court may, nevertheless, treat the petition as one
7 being filed under Code Section 44-14-231 and proceed accordingly.

8 (4) When an immediate writ of possession has been granted, the Department of Motor
9 Vehicle Safety shall proceed against the defendant in the same manner as provided for
10 in Code Sections 44-14-265 through 44-14-269.

11 (i)(1) Whenever any person, firm, or corporation violates this article and fails within ~~15~~
12 30 days of the date of issuance of the overweight assessment citation either to pay the
13 assessment or appeal to the Department of Motor Vehicle Safety for an administrative
14 review as provided for under Chapter 13 of Title 50, the 'Georgia Administrative
15 Procedure Act,' the Department of Motor Vehicle Safety may act to suspend the motor
16 vehicle ~~license plate~~ registration of the vehicle involved. However, if the person, firm,
17 or corporation requests an administrative review, the Department of Motor Vehicle Safety
18 shall act to suspend the ~~license plate~~ registration only after the issuance of a final decision
19 favorable to the Department of Motor Vehicle Safety and the requisite failure of the
20 person, firm, or corporation to pay the assessment. Upon such failure to pay the
21 assessment, the Department of Motor Vehicle Safety shall send a letter to the owner of
22 such motor vehicle ~~stating the fact of such overdue assessment. Upon receipt of such~~
23 ~~letter from the Department of Motor Vehicle Safety, it shall be the duty of the owner of~~
24 ~~such vehicle to notify the Department of Motor Vehicle Safety, within 15 days of the date~~
25 ~~on which notification was mailed by the Department of Motor Vehicle Safety, as to~~
26 ~~whether the assessment has been paid. If such information is not received by the~~
27 ~~Department of Motor Vehicle Safety within the specified time period or if the assessment~~
28 ~~has not in fact been paid, the Department of Motor Vehicle Safety shall suspend the~~
29 ~~motor vehicle license plate issued to the motor vehicle involved in the overweight~~
30 ~~assessment citation and shall notify the owner of the motor vehicle that he or she must~~
31 ~~forward the motor vehicle license plate issued to such motor vehicle to the Department~~
32 ~~of Motor Vehicle Safety notifying the owner of the suspension of the motor vehicle~~
33 ~~registration issued to the motor vehicle involved in the overweight assessment citation.~~
34 Upon complying with this subsection by paying the overdue assessment and upon
35 submitting proof of compliance and paying a \$10.00 restoration fee to the Department of
36 Motor Vehicle Safety, the commissioner of motor vehicle safety shall ~~return~~ reinstate any
37 motor vehicle ~~license plate~~ registration suspended under this subsection ~~to the owner of~~

1 ~~such motor vehicle.~~ In cases where the motor vehicle license plate registration has been
2 suspended under this subsection for a second or subsequent time during any two-year
3 period, the Department of Motor Vehicle Safety shall suspend the motor vehicle license
4 plate registration for a period of 60 days and thereafter until the owner submits proof of
5 compliance with this subsection and pays the ~~\$25.00~~ \$150.00 restoration fee to the
6 Department of Motor Vehicle Safety.

7 ~~(2) The Department of Motor Vehicle Safety, upon suspending the motor vehicle license~~
8 ~~plate, as provided for in this subsection, shall require that such plate be surrendered to the~~
9 ~~Department of Motor Vehicle Safety immediately following the effective date of~~
10 ~~suspension; and it is the duty of the owner, immediately upon receipt of notice from the~~
11 ~~Department of Motor Vehicle Safety, to forward the license plate to the Department of~~
12 ~~Motor Vehicle Safety. Unless otherwise provided for in this Code section, notice of the~~
13 ~~effective date of the suspension of a motor vehicle registration occurs when the owner has~~
14 ~~actual knowledge or legal notice thereof, whichever first occurs. For the purposes of~~
15 ~~making any determination relating to the restoration of a suspended motor vehicle~~
16 ~~registration, no period of suspension shall be deemed to have begun until ten days after~~
17 ~~the mailing of the notice required in paragraph (1) of this subsection.~~

18 ~~(3) If such motor vehicle license plate is not received by the Department of Motor~~
19 ~~Vehicle Safety within ten days following the effective date of suspension, the~~
20 ~~commissioner of motor vehicle safety shall forthwith direct any peace officer to secure~~
21 ~~possession of such plate and return the same to the commissioner of motor vehicle safety.~~
22 ~~For the purposes of this subsection, except where otherwise provided, the mailing of a~~
23 ~~notice to a person at the name and address shown in records of the Department of Motor~~
24 ~~Vehicle Safety maintained under Chapter 3 of Title 40 shall, with respect to the holders~~
25 ~~of liens and security interests, be presumptive evidence that such person received the~~
26 ~~required notice.~~

27 ~~(4) Unless otherwise provided for in this subsection, notice of the effective date of~~
28 ~~suspension shall occur when the driver receives actual knowledge or legal notice thereof,~~
29 ~~whichever occurs first. For the purposes of making any determination under this article~~
30 ~~relating to the return of a suspended motor vehicle license plate, no period of suspension~~
31 ~~under this subsection shall begin until the plate is surrendered to the Department of Motor~~
32 ~~Vehicle Safety or to a court of competent jurisdiction under this subsection, whichever~~
33 ~~shall occur first. If the motor vehicle license plate is lost or for any other reason surrender~~
34 ~~to the Department of Motor Vehicle Safety is impossible, the period of suspension shall~~
35 ~~begin on the date an affidavit setting forth the reasons for such impossibility is received~~
36 ~~by the department. For the purposes of this subsection, except where otherwise provided,~~
37 ~~the mailing of a notice to a person or firm at the name and address shown on the~~

1 overweight assessment citation shall, with respect to owners and operators of vehicles
 2 involved in an overweight assessment, be presumptive evidence that such person received
 3 the required notice.

4 ~~(5) It shall be unlawful to refuse to deliver upon a legal demand any motor vehicle~~
 5 ~~license plate. The commissioner of motor vehicle safety may suspend the motor vehicle~~
 6 ~~registration of any offending vehicle for which payment of an overweight assessment is~~
 7 ~~made by a check that is returned for any reason.~~

8 ~~(6) Any person violating the provisions of paragraph (2) of this subsection shall be guilty~~
 9 ~~of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than~~
 10 ~~\$1,000.00 or imprisonment for not more than 90 days.~~

11 ~~(7) For the purposes of this subsection, where any provisions require the Department of~~
 12 ~~Motor Vehicle Safety to give notice to a person, which notice affects such person's motor~~
 13 ~~vehicle license plate, the mailing of such notice and the name and address shown on the~~
 14 ~~notice of overdue assessment citation supplied by the Department of Motor Vehicle~~
 15 ~~Safety, as required by this subsection, shall be presumptive evidence that such person~~
 16 ~~received the required notice."~~

17 SECTION 2.

18 Chapter 9 of Title 32 of the Official Code of Georgia Annotated, relating to mass
 19 transportation, is amended in Code Section 32-9-4, relating to designation of travel lanes and
 20 use of such lanes, by adding a new subsection (a.1) to read as follows:

21 "(a.1) Upon approval through either legislative action in the United States Congress or
 22 regulatory action by the United States Department of Transportation to permit hybrid
 23 vehicles with fewer than two occupants to operate in a high occupancy vehicle lane, the
 24 department shall authorize hybrid vehicles, as defined in Code Section 40-2-76, to use the
 25 travel lanes designated for such vehicles as provided in paragraph (4) of subsection (a) of
 26 this Code section."

27 SECTION 3.

28 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
 29 amended in Code Section 40-2-76, relating to alternative fueled vehicle license plates, by
 30 striking subsection (a) and inserting in its place the following:

31 "(a) As used in this Code section, the term:

32 (1) 'Alternative fuel' means methanol, denatured ethanol, and other alcohols; mixtures
 33 containing 85 percent or more or such other percentage, but not less than 70 percent, as
 34 determined by the United States secretary of energy, by rule as it existed on January 1,
 35 1997, to provide for requirements relating to cold start, safety, or vehicle functions, by

1 volume of methanol, denatured ethanol, and other alcohols with gasoline or other fuels;
 2 natural gas; liquefied petroleum gas; hydrogen; coal derived liquid fuels; fuels other than
 3 alcohol derived from biological materials; electricity including electricity from solar
 4 energy; and any other fuel the United States secretary of energy determined by rule as it
 5 existed on January 1, 1997, is substantially not petroleum and would yield substantial
 6 energy security benefits and substantial environmental benefits.

7 (2) 'Alternative fueled vehicle' means:

8 (A) Any any vehicle fueled by alternative fuel as defined in paragraph (1) of this
 9 subsection; or

10 (B) A hybrid vehicle, which means a motor vehicle which draws propulsion energy
 11 from onboard sources of stored energy which include an internal combustion or heat
 12 engine using combustible fuel and a rechargeable energy storage system; and, in the
 13 case of a passenger automobile or light truck, means for any 2000 and later model, a
 14 vehicle which has received a certificate of conformity under the Clean Air Act, 42
 15 U.S.C. Section 7401, et seq., and meets or exceeds the equivalent qualifying California
 16 low-emission vehicle standard under Section 243(e)(2) of the Clean Air Act, 42 U.S.C.
 17 Section 7583(c)(2), for that make and model year or, for any 2004 and later model, a
 18 vehicle which has received a certificate that such vehicle meets or exceeds the Bin 5
 19 Tier II emission level established in regulations prescribed by the administrator of the
 20 Environmental Protection Agency under Section 202(i) of the Clean Air Act, 42 U.S.C.
 21 Section 7521(i), for that make and model year vehicle and which achieves a composite
 22 label fuel economy greater than or equal to 1.5 times the Model Year 2002 EPA
 23 composite class average for the same vehicle class and which is made by a
 24 manufacturer."

25 SECTION 4.

26 Said title is further amended in Code Section 40-6-188, relating to highway work zones, by
 27 striking subsection (e) and inserting in its place the following:

28 "(e)(1) In order for a person to be cited or convicted for exceeding a speed limit, reduced
 29 or otherwise, in any highway work zone as provided in paragraph (2) of this subsection,
 30 there must be present in the highway work zone at the time of the offense the signage
 31 required by this Code section and either:

32 (A) Work zone personnel; or

33 (B) Barriers, on-site work vehicles, or shoulder or pavement drop offs that constitute
 34 a hazard to the traveling public.

35 (2) A person convicted of exceeding the speed limit, reduced or otherwise, in any
 36 highway work zone designated pursuant to this Code section and identified at the time

1 ~~of the violation by such signage at the beginning of the highway work zone as required~~
 2 ~~herein and, if such speed limit was reduced as provided by this Code section, by such~~
 3 ~~signage at the beginning and in advance of such reduced speed zone to the extent required~~
 4 ~~herein shall be guilty of a misdemeanor of a high and aggravated nature and shall be~~
 5 ~~punished by a fine of not less than \$100.00 nor more than \$2,000.00 or by imprisonment~~
 6 ~~for a term not to exceed 12 months, or both. The provisions of this subsection shall apply~~
 7 ~~without regard to whether work zone personnel were present in the highway work zone~~
 8 ~~when the violation occurred."~~

9 **SECTION 5.**

10 Article 2 of Chapter 14 of Title 40 of the Official Code of Georgia Annotated, relating to
 11 speed detection devices, is amended by striking Code Section 40-14-6, relating to required
 12 warning signs, and inserting in its place the following:

13 "40-14-6.

14 (a) Each county, municipality, college, and university using speed detection devices shall
 15 erect signs on every highway which comprises a part of the state highway system at that
 16 point on the highway which intersects the corporate limits of the municipality, the county
 17 boundary, or the boundary of the college or university campus. Such signs shall be at least
 18 ~~30~~ 24 by 30 inches in area and shall warn approaching motorists that speed detection
 19 devices are being employed. No such devices shall be used within 500 feet of any such
 20 warning sign erected pursuant to this subsection.

21 (b) In addition to the signs required under subsection (a) of this Code section, each county,
 22 municipality, college, and university using speed detection devices shall erect speed limit
 23 warning signs on every highway which comprises a part of the state highway system at that
 24 point on the highway which intersects the corporate limits of the municipality, the county
 25 boundary, or the boundary of the college or university campus. Such signs shall be at least
 26 ~~30~~ 24 by 30 inches in area, shall warn approaching motorists of changes in the speed limit,
 27 shall be visible plainly from every lane of traffic, shall be viewable in any traffic
 28 conditions, and shall not be placed in such a manner that the view of such sign is subject
 29 to being obstructed by any other vehicle on such highway. No such devices shall be used
 30 within 500 feet of any such warning sign erected pursuant to this subsection."

31 **SECTION 6.**

32 Said article is further amended in Code Section 40-14-9, relating to when evidence obtained
 33 in certain areas is inadmissible and use of a speed detection device on a hill, by striking said
 34 Code section in its entirety and inserting in its place the following:

1 "40-14-9.
2 Evidence obtained by county or municipal law enforcement officers in using speed
3 detection devices within 300 feet of a reduction of a speed limit inside an incorporated
4 municipality or within 600 feet of a reduction of a speed limit outside an incorporated
5 municipality or consolidated city-county government shall be inadmissible in the
6 prosecution of a violation of any municipal ordinance, county ordinance, or state law
7 regulating speed; nor shall such evidence be admissible in the prosecution of a violation
8 as aforesaid when such violation has occurred within 30 days following a reduction of the
9 speed limit in the area where the violation took place, except that this 30 day limitation
10 shall not apply to a speeding violation within a highway work zone, as defined in Code
11 Section 40-6-188. No speed detection device shall be employed by county, municipal, or
12 campus law enforcement officers on any portion of any highway which has a grade in
13 excess of 7 percent."

14 **SECTION 7.**

15 All laws and parts of laws in conflict with this Act are repealed.